

**MINUTES
FREMONT CITY COUNCIL REGULAR MEETING
NOVEMBER 3, 2009
FREMONT CITY HALL
7:00 P.M.**

1. PRELIMINARY

1.1 Call to Order: Mayor Wasserman called the meeting to order.

1.2 Flag Salute: Vice Mayor Natarajan led the salute to the flag.

1.3 Roll Call: Present: Mayor Wasserman, Vice Mayor Natarajan, Councilmembers: Wieckowski, Harrison, and Chan.

1.4 Announcements by Mayor/City Manager – None.

2. CONSENT CALENDAR

- * **2.1 Waive Reading of Ordinances:** The City Attorney read the titles of ordinances to be considered.

On a motion by Vice Mayor Natarajan, seconded by Councilmember Harrison, the City Council waived further readings of proposed ordinances.

Ayes:	Mayor Wasserman, Vice Mayor Natarajan, Councilmembers: Wieckowski, Harrison and Chan
Noes:	None
Absent:	None
Abstain:	None

- * **2.2 Approval of Minutes – None.**

- * **2.3 Mayor Wasserman opened consideration of Second Reading and Adoption of an Ordinance of the City of Fremont Amending Fremont Municipal Code Title IV, Chapter 6 Regarding Smoking in Outdoor Dining Areas**

On a motion by Vice Mayor Natarajan, seconded by Councilmember Harrison, the City Council adopted Ordinance No. 19-2009.

Ayes:	Mayor Wasserman, Vice Mayor Natarajan, Councilmembers: Wieckowski, Harrison and Chan
Noes:	None
Absent:	None
Abstain:	None

*** 2.4 Mayor Wasserman opened consideration of Change in Pavement Condition Index Standard for Use with the Modified Approach to Accounting for the City's Infrastructure**

On a motion by Vice Mayor Natarajan, seconded by Councilmember Harrison, the City Council:

1. Reaffirmed the use of the modified approach for the City's streets and roads infrastructure network.
2. Established a revised range of acceptable condition standards to be "fair" as measured by the City's pavement management system condition assessment index of between 50 and 69 for the City's streets and roads infrastructure network.

Ayes:	Mayor Wasserman, Vice Mayor Natarajan, Councilmembers: Wieckowski, Harrison and Chan
Noes:	None
Absent:	None
Abstain:	None

3. CEREMONIAL ITEMS – None.

4. PUBLIC COMMUNICATIONS

4.1 Oral and Written Communications

Wynn Grich (A.T.O.W.N.) expressed concern about the potential contamination of local drinking water.

5. SCHEDULED ITEMS – None.

6. REPORT FROM CITY ATTORNEY

6.1 Mayor Wasserman opened consideration of a Report Out from Closed Session of Any Final Action – None.

7. OTHER BUSINESS

7.1 Mayor Wasserman opened consideration of Adoption of Resolution of Necessity Authorizing Filing of Eminent Domain Action to Acquire Properties located at 440-1055 Mission Court, 47003 Mission Falls Court and the west side of Mission Falls Lane, and 47301 Kato Road. All property rights required are needed for the Mission Boulevard Widening Project, and the Warren Avenue Grade Separation Project

Mayor Wasserman opened the hearing. There were no speakers. Mayor Wasserman closed the hearing.

On a motion by Councilmember Wieckowski, seconded by Vice Mayor Natarajan, the City Council:

1. Conduct a hearing.
2. Adopted Resolution No. 2009-66, a Resolution of Necessity making the findings, determining that the public interest and necessity requires the acquisitions of the subject properties, and authorizing the commencement of eminent domain proceedings.

Ayes: Mayor Wasserman, Vice Mayor Natarajan,
Councilmembers: Wieckowski, Harrison and Chan
Noes: None
Absent: None
Abstain: None

7.2 Mayor Wasserman opened consideration of Adoption of Resolution of Necessity Authorizing Filing of Eminent Domain Action to Acquire Properties Located at 48850 Kato Road, 48790 Milmont Drive, 48815-48819 Kato Road, 48835 Kato Road, and Lot C of Tract 7693 for the Kato Road Grade Separation Project

Mayor Wasserman opened the hearing. There were no speakers. Mayor Wasserman closed the hearing.

On a motion by Councilmember Wieckowski, seconded by Vice Mayor Natarajan, the City Council:

1. Conducted a hearing
2. Adopted Resolution No. 2009-67, a Resolution of Necessity making the findings, determining that the public interest and necessity requires the acquisitions of the subject properties located at 48850 Kato Road, 48790 Milmont Drive, 48835 Kato Road, and Lot C Tract 7693, and authorizing the commencement of eminent domain proceedings.

Ayes: Mayor Wasserman, Vice Mayor Natarajan,
Councilmembers: Wieckowski, Harrison and Chan
Noes: None
Absent: None
Abstain: None

8. COUNCIL COMMUNICATIONS

8.1 Council Referrals

8.1.1 MAYOR WASSERMAN REFERRAL: Appointment of Denise Churchill to the Senior Citizens Commission

By consensus, appointed Denise Churchill to the Senior Citizens Commission with a term expiring on December 31, 2011.

8.2 Oral Reports on Meetings and Events – None.

- 9. ADJOURNMENT:** There being no further business, Mayor Wasserman adjourned the meeting at 7:10 p.m.

Attest:

Approved:

Dawn G. Abrahamson, City Clerk

BOB WASSERMAN, Mayor